

REMARKS:

In the Specification:

Applicant submits that these changes in references to the figures do not introduce new matter. The description of the networked destination beacon on pages 6 and 7 now appropriately reference the corresponding elements in the drawings, which were present in the application although, as examiner correctly pointed out, without any reference numbers.

In the Claims:

Applicant has adopted the corrected claim numbering as per Examiners Office Action.

Claims 15, 16, 19-21, 26 and 27 have been amended to properly reflect antecedence. Applicant respectfully requests that the rejection of these amended claims under 35 U.S.C. s. 112 be withdrawn.

Claims 19, 26 and 27 are not anticipated by Friedman (4,935,907) because Friedman discloses a handheld device that itself produces the cuing sounds indicating direction. [Fig. 1] Friedman does not disclose an audio beacon placed in proximity to the desired destination, where the beacon emits audio that is to be heard by the user. Instead a "mobile module" that has a speaker indicating relative distance to an external "remote module." [col. 1, line 54, 60-65] The external modules communicate by "EMR" (electromagnetic radiation) or "ultrasound." [col. 2, lines 15-34]. Thus, the external modules do not produce the audio intended to be heard by the user. The speaker on the "mobile module" does. [col. 2, line 38]. Because Friedman does not disclose each element in amended Claims 19, 26 or 27 it does not anticipate under 35 U.S.C. s. 102(b). Applicant respectfully requests that the rejection of these amended claims under 35 U.S.C. s. 102(b) be withdrawn.

Claim 19 is not anticipated by Osaka (4,660,022). Osaka discloses an auditory beacon system that is very similar in functionality to Ono. Nowhere in Osaka's disclosure does it describe how the user may selectively input into the system which destination beacon should activate on command. Instead, Osaka envisions that when the "person ... wants to reach destination B, for example.... The user actuates the transmitter/control unit whe he is sure that he is within range of a phantom line circle B' corresponding to the range of the receiver at destination B." [2, 44-49]. No mention is made that the user selects which of destinations A, B or C are activated other than being "sure that he is within range...." Therefore, there is no destination selection built into the system at all. Without such selectivity, Osaka does not teach each element in Claim 19 and therefore cannot be the basis for rejecting Claim 19 under 35 U.S.C. s. 102(b). Applicant respectfully requests that the rejection of this amended claim under 35 U.S.C. s. 102(b) be withdrawn.

Claims 19 and 20 are not anticipated by Hull (US2004/0030491) because Hull is not prior art. Attached hereto is an affidavit pursuant to 35 C.F.R. 1.131 demonstrating that applicant reduced

AMENDMENTS TO THE DRAWINGS:

Attached are three replacement sheets that replace Figures 1 and 2:

1. Figure 1 is now separated into two figures and re-numbered as Figures 2 and 3, each on its own sheet.

2. Figure 2 is re-numbered as Figure 1.

3. Figure 1:

Has reference number 120 attached to the Server.

Has a software element inserted in the box representing the PC and referenced by number 101.

The disk drive, 105, has been moved to be connected to the Server, 120.

Extraneous numbers were deleted.

4. Figure 2: Reference number 114 is attached to the Audio Amplifier.

5. Figure 3: Reference numbers 112, 113, 114, 115 and 117 are attached to the corresponding boxes as indicated by the specification.

6. Replace in its entirety the Brief Description of Drawings with:

Figure 1: A diagram illustrating the components of the system and their interconnection.

Figure 2: Detailed illustration of components of an audio beacon using a radio receiver.

Figure 3: Detailed illustration of components of an audio beacon using a network data receiver.

7. Changes to the Brief Description of Drawings are indicated below:

~~Figure 1: A schematic diagram illustrating the components of the system.~~

~~Figure 2: The preferred embodiment as applied to a plan of the museum showing a steppingstone path from the main desk to the exhibit area.~~

Figure 1: A diagram illustrating the components of the system and their interconnection.

Figure 2: Detailed illustration of components of an audio beacon using a radio receiver.

Figure 3: Detailed illustration of components of an audio beacon using a network data receiver.

the invention to practice by June 3, 2003, which is before the U.S. filing date of Hull's application, August 5, 2003. The Hull application does not indicate that it is based on a PCT application, so the foreign priority dates cannot be used as the basis of a rejection under 35 U.S.C. 102(e). MPEP 2136.03. Applicant respectfully requests that the rejection of Claims 19 and 20 under 35 U.S.C. s. 102(e) be withdrawn.

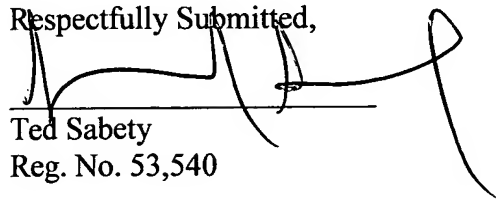
Claims 1-3, 19 and 24 are not obvious in light of Ono (5,032,836). Examiner's statement of "requesting guidance to a given destination" glosses over a critical distinction between Ono and applicant's invention. Ono discloses a portable unit with two possible selections. [2, 49; 2, 58]. In one setting, the "portable unit" will activate any beacon that is in proximity of the radio signal. This is called the "common use." [3, 9]. In the other setting, one portable unit can select only one pre-determined destination beacon, as a result of "one of the switches of the switch set of the position indicator." [2, 63] This is called "private use." [3, 9]. In public use, any beacon whose receiver receives sufficient signal from the portable device will be actuated. [2, 30] In private use the position indicator that is activated is one that has been pre-selected to activate with the second frequency, not selected by the user as they operate the system. In neither mode does the circuitry select a specific position indicator using the portable device. In fact, in private mode, a different portable unit would activate the wrong position indicator if the wrong user happened to be near it. Therefore, Ono does not disclose selection of the destination audio beacon as a result of "being selected by the user as a result of their interaction with the controlling computer using the handheld device." [Applicant's Claim 1]. Applicant respectfully requests that the rejection of Claims 1-3, 19 and 24 under 35 U.S.C. s. 103(a) be withdrawn.

In the Drawings:

The reference in the specification to a computer program, which resides in the PC, is now properly indicated in Figure 1 as a box occupying a space within the PC. Applicant submits that this is not new matter because a PC inherently contains software within it when it is running, therefore, this addition to the figures is a clarification of what was verbally disclosed in the specification and inherent to a PC. Similarly, the disk drive (105) is now properly connected to the Server (120) in a configuration that is typical and inherent in the operation of a server computer: it always has a mass-storage device connected to it.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Ted Sabety, Applicant's Attorney at 212 481 8686 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,


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5/26/05
Date

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